

UNITED STATES DISTRICT COURT**FOR THE DISTRICT OF RHODE ISLAND****STATE OF NEW YORK, et al.,****Plaintiffs,****v.****DONALD J. TRUMP, et al.,****Defendants.****Case No. 1:25-cv-00039**

MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF**DR. FREEDOM CHETENI, NON-PUBLIC SCHOOL SUPERINTENDENT AND
OPERATOR OF THE VR SCHOOL, INTERVENOR TO GOVERNORS
IN SUPPORT OF DEFENDANTS**

Dr. Freedom Cheteni, Founder and Superintendent of The VR School, a Federally recognized Non-Public School under the American Rescue Plan and beneficiary of Emergency Assistance to Nonpublic Schools grant (ARP EANS) (“Proposed Amicus”), Pro Se, respectfully moves this Court for leave to file the attached Amicus Curiae Brief in support of Defendants in the above-captioned matter. In support of this Motion, Proposed Amicus states:

1. Interest of Amicus Curiae:

- Dr. Freedom Cheteni, the Superintendent of Nonpublic Schools in California has direct knowledge and experience regarding federal and state education funding, including Emergency Assistance to Nonpublic Schools (“EANS”) funding. His perspective is informed by interactions with state and federal agencies that administer these funds as well as being a direct litigant on the issues raised at the Ninth Circuit Court of Appeals in the case *Cheteni v. Cardona*.
- As the Superintendent of Nonpublic Schools in California he has a significant interest in ensuring that federal education funds are administered consistently with constitutional and statutory requirements and that this Court does not make decisions that run counter to decisions already made by the Senior United States District Court Judge finding there is no emergency in all ARP related grant issues in the matter *Cheteni v. Vella* currently pending the Honorable Judge Susan IIIston.
- Dr. Freedom Cheteni proposes this matter be moved to the U.S. District Court of Northern California before the Honorable Judge Susan IIIston who already is familiar with the rulings of the Ninth Circuit Court and California’s standing in bringing this case in Federal Court. Doing so is essential for judicial comity and avoids having split Circuit decisions which might delay the President’s Constitutional responsibilities to enforce Federal Law and implement the will of the People.
- The Governor of California has already appeared with his State Attorney General on this matter and the legal arguments are directly from cases Dr. Freedom Cheteni is a direct litigant in both state, federal and Ninth Circuit Courts. Furthermore, the decision of this Court directly impacts all Nonpublic School Superintendents individually.

2. Why the Amicus Brief is Desirable and Why the Matters Asserted Are Relevant to the Disposition of the Case:
 - The Non Public School Superintendent's brief provides detailed discussion of how state education agencies, such as the California Department of Education, have exercised discretion to pause or withhold federal education funds. This discussion directly supports and illuminates Defendants' argument that the President's temporary pause or review of federal education funding is not unconstitutional or otherwise unlawful.
 - The brief contains legal and policy arguments addressing the scope of executive authority, federalism concerns, and the separation of powers—issues pertinent to the Court's resolution of the case.
3. Position of the Parties (if known or applicable): None
4. No Delay or Prejudice:
 - Filing this brief will not unduly delay the proceedings. It is submitted in accordance with the existing schedule (or before the Court's deadline, if one is established).
 - No party will be prejudiced by the Court's consideration of the arguments contained in the brief.

Accordingly, Dr. Freedom Cheteni respectfully requests that the Court grant this Motion for Leave to File Amicus Curiae Brief in his personal capacity as the founder of a United States Nonpublic School that is a recipient and beneficiary of the Federal Grant under the American Rescue Plan Act A copy of the Proposed Brief is attached.

Dated: January 29, 2025

Respectfully submitted,

/s/ Freedom Cheteni, PhD

United States NonPublic School Superintendent, INTERVENOR TO GOVERNORS

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of January, 2025, a true and correct copy of the foregoing Amicus Curiae Brief was served upon all counsel of record via the Court's electronic filing system.

Respectfully submitted,

THE VR SCHOOL, INTERVENOR TO GOVERNORS

Dated: January 29, 2025

“Thus, let it be known,” Justice Scalia would conclude, “that our Government’s powers serve the People’s ends. Where clarity, fidelity, and prudence intersect, the law so stands.”